

REMARKS

This is a full and timely response to the Office Action mailed December 28, 2007, submitted concurrently with a one month extension of time to extend the due date for response to April 28, 2008.

By this Amendment, claims 14, 15, 17, 19, 22 and 23 have been canceled without prejudice or disclaimer to their underlying subject matter. Further, claims 16 and 24 have been amended to more particularly define the present invention and to be in independent form to incorporate the subject matter of claims 17 and 19, respectively. In addition, claim 21 has also been amended to more particularly define the present invention. Lastly, claim 18 has been amended to direct to a different embodiment of the present invention. Thus, claims 16, 18, 21 and 24 are currently pending in this application. Support for the claim amendments can be readily found variously throughout the specification and the original claims.

In view of these amendments, Applicant believes that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Objection to the Claims

Claims 17-19 are objected to for the minor informalities set forth on the bottom of page 2 to the top of page 3 of the action. Applicant believes that the amendments to the claims overcome this objection. More specifically, the variable “*m*” has been amended to be a subscript, and the use of parentheses in the expressions noted by the Examiner has been deleted. Thus, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. §112

Claims 15 and 23 are rejected under 35 U.S.C. §112, first paragraph, as allegedly being non-enabling. This rejection has been rendered moot by the cancellation of claims 15 and 23.

Claims 14-19 and 22-24 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicant believes that the amendments to the claims overcome this rejection.

More specifically, the lack of antecedent basis for claims 16 and 24 has been addressed and the term "*general*" has been omitted from the amended claims as per the Examiner's suggestion.

With regard to the recitation of the formula $(L_2)_m M(L_1 \text{ or } 3)$ wherein . . . "m is a number of L_2 , indicating 0, 1,2,3,4 or 5," Applicant believes that this recitation is clear based on the descriptions on page 14, line 25, to page 15, line 3 of the present specification. In view of such descriptions, it is clear that terpyridine is considered as $L_2=1$ in formula $(L_2)_m M(L_1)$ and $(L_2)_m M(L_3)$.

Thus, in view of the claim amendments and above comments, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 19 and 22 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Storrier et al. (Inorg. Chim. Acta pages 76-84, 1999) or Lonsdale (U.S. Patent No. 4,948,506). Further, claims 14, 17, 19 and 22 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Crapo (U.S. Patent No. 5,994,339). These rejections have been rendered moot by the cancellation of claims 14, 17, 19 and 22.

Claims 14-17 and 21 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by De Luca (J. Peptide Sci. pages 386-394, 2001). With regard to claims 14, 15 and 17, this rejection has been rendered moot by the cancellation of claims 14, 15 and 17. With regard to claims 16 and 21, Applicant respectfully traverses this rejection.

To constitute anticipation of the claimed invention under U.S. practice, the prior art reference must literally or inherently teach each and every limitation of the claims. Here, in this case, the cited reference, De Luca, fails to teach or suggest all the claim limitations with particular

emphasis on the limitation “*determining the amino acid sequence of said protein or peptide from the mass spectrometry data*”.

Based on Applicant’s review of De Luca, Applicant believes that the application of metal complexes in the area of protein sequencing via mass spectrometry is not disclosed in any of the cited references or discussed in the Examiner’s analysis. As noted by the Examiner in the Office Action, the Examiner is not interpreting the method claims to require the application of metal complexes in the area of protein sequencing via mass spectrometry. The Examiner is only interpreting the method claims to require forming a peptide/complex conjugate and analyzing such conjugate by mass spectrometry (see page 7, lines 1-7 and page 8, lines 10-12, of the Office Action). Thus, to clarify the subject matter of the present claims, Applicant has amended the method claims 16 and 21 to require a method step of “*determining the amino acid sequence of said protein or peptide from the mass spectrometry data*”.

Thus, in view of such amendments to the claims, withdrawal of the present rejection is respectfully requested.

Rejections under 35 U.S.C. §103

Claims 14, 17-19 and 22 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Storrier et al. in view of Shirai (EP 0677293 A1), Barigelletti et al. (Chem. Commun. (1998), pages 2333-2334) and/or Sauvage et al. (J.P. Sauvage et al. Chem. Rev. (1994) 94, pages 993-1019). This rejection has been rendered moot by the cancellation of claims 14, 17, 19 and 22, and the amendment of claim 18 to depend on non-rejected claim 16.

Claims 14-17, 19 and 21-24 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over De Luca in view of Tamiaka (Bull. Chem. Soc. Jpn. 3062-3068, 1993) and Crapo. With regard to claims 14, 15, 17, 19, 22 and 23, this rejection has been rendered moot by the cancellation of claims 14, 15, 17, 19, 22 and 23. With regard to claims 16, 21 and 24, Applicant respectfully traverses this rejection.

To establish a *prima facie* case of obviousness, the prior art reference must teach or suggest all the claim limitations, and provide some suggestion or motivation, either in the references

themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Here, in this case, the cited reference, De Luca, in combination with Tamiaka and Crapo, fails to teach or suggest all the claim limitations with particular emphasis on the limitation “*determining the amino acid sequence of said protein or peptide from the mass spectrometry data*”.

As noted above, the application of metal complexes in the area of protein sequencing via mass spectrometry is not disclosed in any of the cited references or discussed in the Examiner's analysis. The Examiner is only interpreting the method claims to require forming a peptide/complex conjugate and analyzing such conjugate by mass spectrometry. Thus, to clarify the subject matter of the present claims, Applicant has amended the method claims 16, 21 and 24 to require a method step of “*determining the amino acid sequence of said protein or peptide from the mass spectrometry data*”.

Thus, in view of such amendments to the claims, withdrawal of the present rejection is respectfully requested.

CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Dated: April 28, 2008

Respectfully submitted,

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 50-4422 for any such fees; and applicant(s) hereby petition for any needed extension of time.